

Buckinghamshire & Milton Keynes Fire Authority



MEETING	Overview and Audit Committee
DATE OF MEETING	11 March 2015
OFFICER	Graham Britten, Director of Legal and Governance
LEAD MEMBER	Councillor David Watson
SUBJECT OF THE REPORT	Protocol on Member and Officer Relations
EXECUTIVE SUMMARY	<p>The purpose of the report is for the Overview and Audit Committee to review and approve revisions to the Protocol on Member: Officer Relations (Appendix 1) for adoption by the Authority.</p> <p>The first Protocol on Member: Officer Relations for the Authority was adopted by the Authority at its meeting on 20 April 2011 following recommendations from its Standards Committee.</p> <p>The Protocol requires that it be reviewed on a four-yearly cycle. There are no substantive amendments. The amendments (shown by deletion and <u>insertion</u>) reflect the transfer of functions from the Standards Committee to the Overview and Audit Committee and changes in nomenclature.</p>
ACTION	Decision.
RECOMMENDATIONS	It is recommended that the revised Protocol on Member: Officer Relations be approved and recommended to the Authority for adoption.
RISK MANAGEMENT	Failure to have an established protocol that clarifies member and officer roles could place members and officers at risk of compromising their respective positions.
FINANCIAL IMPLICATIONS	There are no financial implications arising from this report.
LEGAL IMPLICATIONS	<p>The recommendation that local authorities have in place a Member: Officer protocol derives from the Third Report of the Committee on Standards of Conduct in Public Life: "<i>Standards of Conduct in Local Government in England, Scotland and Wales</i>" 1997.</p> <p>Common law has established that if the actions of an individual member adversely affect the ability of an officer to execute his or her contract of employment it can undermine the implied contractual obligation of</p>

	trust and confidence for which the Authority may be vicariously liable (for which compensation might be payable). The promulgation of a Member: Officer protocol is a practical measure to mitigate the Authority from vicarious liability.
HEALTH AND SAFETY	There are no health and safety implications arising.
EQUALITY AND DIVERSITY	There are no equality or diversity implications arising.
USE OF RESOURCES	It is proposed to maintain a quadrennial review.
PROVENANCE SECTION & BACKGROUND PAPERS	<p>THE THIRD REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE (Chairman Lord Nolan) July 1997 Recommendation 20 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336864/3rdInquiryReport.pdf</p> <p>ITEM 9 MEMBER OFFICER PROTOCOL – STANDARDS COMMITTEE MEETING, 6 SEPTEMBER 2010 http://www.bucksfire.gov.uk/BucksFire/How+we+make+decisions/Minutes+and+Meetings/2010StandardsCommittee.htm</p> <p>Minutes of the meeting of the STANDARDS COMMITTEE of the BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY held on MONDAY 7 MARCH 2011 (recommending adoption of the Member: Officer protocol) http://bucksfire.gov.uk/files/7714/0993/3485/SC060911.pdf</p> <p>Minutes of the meeting of the BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY held on WEDNESDAY 20 APRIL 2011 (adoption of the Member: Officer protocol) http://bucksfire.gov.uk/files/2114/0628/6311/BMKFA080611.pdf</p> <p>Minutes of the meeting of the BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY held on WEDNESDAY 13 JUNE 2012 (dissolution of the Standards Committee) http://bucksfire.gov.uk/files/7714/0628/2342/BMKFA270912.pdf</p>
APPENDICES	Appendix 1: Revised Protocol on Member and Officer Relations
TIME REQUIRED	10 minutes.

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